

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Petition of Qwest Corporation for Declaratory	)	
Ruling Clarifying that the Wholesale DSL	)	WC Docket No. 02-77
Services Qwest Provides to MSN Are Not	)	
"Retail" Services Subject to Resale Under	)	
Section 251(c)(4) of the Act	)	

**ORDER**

**Adopted: July 8, 2003**

**Released: July 8, 2003**

By the Chief, Competition Policy Division:

1. On April 3, 2002, Qwest Corporation (Qwest) filed a petition for declaratory ruling<sup>1</sup> seeking a ruling that the wholesale DSL services Qwest provided to MSN were not "retail" services subject to resale under section 251(c)(4) of the Communications Act of 1934, as amended.<sup>2</sup> On June 19, 2003, Qwest filed a request to withdraw its petition for declaratory ruling, explaining that it no longer finds it necessary to pursue the issues addressed in the petition in light of subsequent events.<sup>3</sup> In this Order, we grant Qwest's request to withdraw and dismiss the petition.

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that Qwest's request to withdraw the above-captioned petition IS GRANTED.

3. IT IS FURTHER ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the above-captioned petition for declaratory ruling IS DISMISSED WITHOUT PREJUDICE, and the proceeding initiated by that petition, WC Docket No. 02-77, IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey  
Chief, Competition Policy Division

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<sup>1</sup> Petition of Qwest Corporation for Declaratory Ruling Clarifying that the Wholesale DSL Services Qwest Provides to MSN Are Not "Retail" Services Subject to Resale Under Section 251(c)(4) of the Act, WC Docket No. 02-77 (filed Apr. 3, 2002); see also *Pleading Cycle Established for Comments on Qwest Corporation Petition for Declaratory Ruling Concerning Wholesale DSL Services and Section 251(c)(4) of the Act*, WC Docket No. 02-77, Public Notice, DA 02-879 (rel. Apr. 15, 2002).

<sup>2</sup> 47 U.S.C. § 251(c)(4).

<sup>3</sup> Qwest Request to Withdraw Petition for Declaratory Ruling, WC Docket No. 02-77 (filed June 19, 2003).